

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**POWERTRAIN, INC., a Mississippi
corporation; TOOL MART, INC., a
Mississippi corporation; WOOD SALES
COMPANY, INC., a Mississippi
Corporation,**

Plaintiffs,

v.

**AMERICAN HONDA MOTOR CO., INC., a
California corporation,**

Defendant.

**AMERICAN HONDA MOTOR CO., INC., a
California corporation,**

Counterclaimant,

v.

**POWERTRAIN, INC., a Mississippi
corporation; TOOL MART, INC., a
Mississippi corporation; WOOD SALES
COMPANY, INC., a Mississippi
Corporation; BEST MACHINERY AND
ELECTRICAL, INC.; JOYCE MA,
Individually; PUMA CORPORATION or
PUMA INDUSTRIES, INC.; CHINA
NATIONAL ELECTRONICS IMPORT AND
EXPORT ZHEJIANG COMPANY; TONG
YONG ENGINE MADING, INC. OR
SHAOXING TONGYONG ENGINE MADING
COMPANY, INC. d/b/a TEBCO; XING YUE
GROUP; and ZHEJIANG EVER FINE
ELECTRIC APPLIANCE GROUP, LTD.,**

Counterdefendants.

Civil Action No.: 1:03CV668MD

**COUNTERDEFENDANT BEST
MACHINERY & ELECTRICAL,
INC'S STATEMENT RE:
DISCOVERY ISSUES; NOTICE
OF JOINDER; AND AFFIDAVIT
OF RAYMOND BUENDIA**

**COUNTERDEFENDANT BEST MACHINERY & ELECTRICAL, INC'S
STATEMENT RE: DISCOVERY ISSUES AND NOTICE OF JOINDER**

The filing counterdefendants hereby give notice of their joinder with the motions filed by Plaintiff Powertrain, Inc., in anticipation of the Court's hearing set for June 7, 2006, before the Honorable Magistrate Judge Jerry A. Davis.

As is set out in his affidavit, attached hereto, counsel Raymond Buendia sets out some examples of gamesmanship which makes a fair preparation of this matter very difficult.

With all due respect, request is submitted to the Court that any potential consequence to be issued by Court Order be also made to benefit these counterdefendants, if such is the Court's order.

Respectfully submitted,

Dated: 5th day of June, 2006.

s/ Raymond Buendia

RAYMOND BUENDIA

Attorney for Best Machinery & Electrical, Inc.

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
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**POWERTRAIN, INC., a Mississippi
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Mississippi corporation; WOOD SALES
COMPANY, INC., a Mississippi
Corporation,**

Plaintiffs,

v.

**AMERICAN HONDA MOTOR CO., INC., a
California corporation,**

Defendant.

Civil Action No.: 1:03CV668MD

**AMERICAN HONDA MOTOR CO., INC., a
California corporation,**

Counterclaimant,

**AFFIDAVIT OF RAYMOND
BUENDIA**

v.

**POWERTRAIN, INC., a Mississippi
corporation; TOOL MART, INC., a
Mississippi corporation; WOOD SALES
COMPANY, INC., a Mississippi
Corporation; BEST MACHINERY AND
ELECTRICAL, INC.; JOYCE MA,
Individually; PUMA CORPORATION or
PUMA INDUSTRIES, INC.; CHINA
NATIONAL ELECTRONICS IMPORT AND
EXPORT ZHEJIANG COMPANY; TONG
YONG ENGINE MADING, INC. OR
SHAOXING TONGYONG ENGINE MADING
COMPANY, INC. d/b/a TEBCO; XING YUE
GROUP; and ZHEJIANG EVER FINE
ELECTRIC APPLIANCE GROUP, LTD.,**

Counterdefendants.

AFFIDAVIT OF RAYMOND BUENDIA

I, RAYMOND BUENDIA, hereby attest that I have personal knowledge of the facts as recited below and am competent to testify to them in a court of law:

1. I am a duly licensed attorney at law licensed to practice in the State of California.

I have been admitted *Pro Hac Vice* by this Court to represent the counterdefendants Joyce Ma and Best Machinery & Electrical, Inc., both California residents.

2. Over the approximate past five weeks, since the issuance of the Court's April 25, 2006, discovery order, I have observed and read with interest a busy exchange of emails between counsel for plaintiff Powertrain and counsel for defendant Honda. I have read that communication with care because some of the discovery which is discussed is directly relevant to my clients' best interests.

3. I have observed that noticed depositions are unilaterally changed by Honda, or suddenly the deponent is unavailable for deposition on the dates noticed. I have relied on certain noticed dates and places which are suddenly changed and announced without prior discussion by Honda.

4. I have observed that even getting a date for depositions from Honda is matter of uncertainty and planning for travel and preparation are impaired.

5. I have reviewed reams of documents produced by Honda which disclose apparent important and relevant correspondence which have been produced in unreadable formats. The documents have not been produced in the manner which the documents are kept in the business file, certain emails consisting of more than one page are physically separated and distributed randomly throughout thousands of pages of produced documents. Also, email correspondence is produced with portions missing

or the text left in unintelligible format.

6. All of this maneuvering I have observed is taking precious time from the Court's designated discovery deadlines.

Further affiant sayeth not this 5th day of June, 2006.

s/ Raymond Buendia
Attorney for Best Machinery & Electrical, Inc.

CERTIFICATE OF SERVICE

I, Raymond Buendia, the attorney for Counterdefendants, hereby certifies that I have served a true and correct copy of the above and foregoing Counterdefendants Jocye Ma and Best Machinery & Electrical, Inc.'s Statement RE: Issues and Notice of Joinder and Affidavit of Raymond Buendia electronic filing in the adversary proceedings on the following entities on the date subscribed below and as to those not on the electronic mailing list, mailing to the respective addresses occurred on the date below:

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Dated this 5th day of June, 2006.

s/Raymond Buendia
RAYMOND BUENDIA